



**City of Seattle**  
Edward B. Murray, Mayor

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**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3014468 & 3015480

**Applicant Name:** Dawn Bushnaq

**Address of Proposal:** 1823 Eastlake Ave East & 1903 Yale Place East

**SUMMARY OF PROPOSED ACTIONS**

3014468: Land use application to allow a four-story mixed use structure containing five live/work units and 58 dwelling units. Below grade parking is to be provided for 42 vehicles. Project includes 7,965 cubic yards of grading.

3015480: Land Use Application to allow a four-story mixed use structure containing one live/work unit, 2,803 sq. ft. of retail space and 32 dwelling units in an environmentally critical area. Below-grade parking is to be provided for 22 vehicles. Project includes 5,525 cubic yards of grading.

The following approvals are required:

**Design Review - Seattle Municipal Code (SMC) Section 23.41**

**SEPA - Environmental Determination** pursuant to SMC 25.05

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions\*

☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction.

\* Notices of the Early Determination of Non-significance were published on January 16 and January 30, 2014 for projects 3015480 and 3014468 respectively.

## **PROJECT DESCRIPTION**

The applicant proposes a mixed use complex of two building flanking a linear public plaza on the East Howe St. right of way. The south structure, containing 5 live/work units facing Eastlake Ave and 58 dwelling units, forms a wedge shape extending from E. Howe to the south for approximately 200 linear feet. The second building occupies a triangular shaped site defined by the rights of way of Yale Place E. and E. Howe St. The proposed structure contains 2,803 sq. ft. of retail space at the confluence of the two rights of way, one live/work unit and 32 dwelling units.

The complex has a shared below grade parking garage which required a subterranean street vacation along the extent of E. Howe St. The public benefit feature associated with the vacation is a public plaza on the E. Howe St right of way commencing at Eastlake Ave E. and extending a maximum of 166 linear feet to the west. At this point, it would connect to a proposed exterior stairs or hillclimb to connect with Fairview Ave E. The stairs would be a part of the improvements associated with approved MUP # 3012732, a research laboratory (currently MUP #3017031 associated with the same site is for an office building).

The two buildings would share a single vehicular access point from Yale Pl. E. A driveway would permit ingress and egress to the shared, below-grade parking garage.

At the Early Design Guidance meeting, the architect presented three concept alternatives or partis know as the “L” scheme, the “W” scheme and the “E” scheme due to the shape of their footprints. The three options arrange a series of live/work units at or near grade and a small commercial space near the intersection of Yale Place E. and E. Howe St. Each option responds to the existing (and future) larger scale buildings to the west and south, to the irregular-shaped sites on both sides of unimproved Howe St. and the heavily trafficked Eastlake corridor. The rhythmic pattern of small buildings form “L” shapes with a series of street facing courtyards facing Eastlake with open, single loaded corridors linking the structures and defining the courtyard elevations. As in all of the schemes, Howe St would be improved to create a park-like setting between the two development sites that would also serve as a corridor linking the Capitol Hill and Eastlake communities with Lake Union. Residential units in the “L” shaped scheme would look inward to the courtyards or to the rear toward the future research or office building.

The “W” scheme forms courtyards facing both Eastlake and the future research lab to the west. Open stacked walkways thread through the southern site connecting the upper level residential units along a north/south axis. In plan, the courtyards form truncated triangles that open wider to the street and the west property line. On the northern site, which does not form a “W”, the circulation runs east/west to connect the units. The inverse “E” scheme forms two walls fronting Eastlake Ave and Yale Pl. with portals at grade connecting to a series of courtyards facing the west. This scheme’s four wings in the east/west direction form three courtyards on the southern site. The majority of units would face either Eastlake Ave or the courtyards. The same theme carries through to the northern development site although due to the parcel’s shape the eastern edge of the structure responds to the triangular plan condition.

All three strategies attempt to mediate between the larger structures to the west and the south and the finer grain development that occurs to the north along the Eastlake corridor. This includes recognition of the future research lab or office building in which the subject proposal appears to be nestled within.

The applicant outlined several approaches to providing access to a below-grade garage. The preferred scheme requires a subterranean vacation of E. Howe St. to enable a continuous garage underneath the separate development sites. Maximizing the number of parking stalls, providing more efficient construction and allowing for a single point of access on Yale Place East rather than Eastlake Ave represent the key benefits to the applicant. A request for a below-grade vacation of E. Howe would likely require a public benefit in the improvement at grade of the E. Howe right of way. The other access alternatives would have separate garages accessed from Eastlake and Yale Pl.

The applicant's Master Use Permit application submittal refined Option # 3, the inverse "E" scheme. The proposal seeks a subterranean right of way vacation for Howe St. to enable a common below-grade garage and a single point of ingress/egress linking the two sites and a landscaped pedestrian connector in the Howe St. right of way between the two buildings. The latter, not only helps complete a long sought passage between Capitol Hill and Lake Union, but adds a belvedere for a vista to Lake Union.

## **SITE & VICINITY**

The complex contains two properties divided by the unimproved E. Howe St. right of way. The Eastlake parcel comprises 17,400 sq. ft. with approximately 200 linear feet fronting the street. Roughly another 107 feet borders E. Howe. The Yale site occupies 10,200 sq. ft. with approximately 200 linear feet of frontage on Yale Pl. It also faces E. Howe with approximately 226 linear feet. The western portions of the triangular shaped Yale Place site have a mapped steeped slope. The site's 24 feet declension begins along Yale Place and slopes toward the southwest. Most of both sites lie within a liquefaction zone. Currently a vacant restaurant and its surface parking lot occupy the south most of the two sites. The north site contains a surface parking lot.

The two sites' zoning is classified as Commercial One with a 40' height limit (C1 40). The properties are located at the south end of the Eastlake Residential Urban Village. C1 zoning extends several blocks south toward E. Galer St. and north along Eastlake Ave E. until E. Newton St. where the zoning transitions to multi-family Lowrise (LR) and Neighborhood Commercial (NC) classifications. The LR zones lie on both sides of elevated I-5. To the west, the C1 zoning gives way to the General Industrial One (IG1 U/40) zone.

Eastlake Ave E. and the unimproved E. Howe St. form the borders for the site at 1823 Eastlake Ave. Yale Place E. and the unimproved E. Howe form two sides of the triangular shaped site at 1903 Yale Place E. Eastlake Ave E is an arterial with frequent transit and heavy vehicular traffic. If improved, E. Howe St. would serve as a link in connecting Lake Union with the E. Howe Street hillclimb which runs from the base of Colonnade Park east of the site to 10<sup>th</sup> Ave on Capitol Hill. Fairview Ave E., which does not have direct access to the site, is also part of the Cheshiahud Lake Union Loop---a car/bike/pedestrian loop around Lake Union that provides public access to the lake and connects the lakefront parks.

North and east on Eastlake Ave are three-story residential and commercial structures (KIRO TV, Lake Union Terrace apartments, Arts Conservation Service, Abbey Park apartments, and the Villa Capri apartments. South/southwest of the site, the remainder of the block is currently undeveloped. An approved master use permit (MUP) is for the adjacent site to the west at 1818

Fairview Ave E. for a four-story building housing research laboratory building. South on Eastlake the buildings are larger scaled biotech and mixed use buildings. Hart Crowser, WCI Voice and Data Service have offices situated between Yale Place, Fairview Ave E and E. Newton St.

The north site possesses a mapped, steep slope environmental critical area. The project qualifies for the relief from the prohibition on development within the steep slope critical area and its buffer as described in SMC 25.09.180B.c.2.

### Background

As part of the proposal, the applicant submitted a subterranean street vacation request to provide a below-grade parking garage connecting the two separate sites. The parking garage would extend beneath the E. Howe St. right of way. The applicant would furnish a public plaza on E. Howe St. for pedestrians only that would add a significant link to a pedestrian path from the top of Capital Hill to Fairview Ave E.

The Seattle City Council approved the subterranean street vacation request on December 15, 2014 (Clerk File Number: 313430).

## **ANALYSIS - DESIGN REVIEW**

### Public Comment

Ten members of the public attended this Early Design Review meeting. Two speakers supported the project and praised the Howe St. right of way improvement for a pedestrian connection. Another participant observed that each of the three schemes would entirely block the view from the apartments across the street.

DPD received three letters addressing the proposals. In one letter, the author supported the “E” scheme and the below-grade street vacation. Another letter discussed microwave lengths and the potential impacts of a taller structure on radio stations in the area. A third letter discussed the need for a pre-school and big, bold building.

### Guidelines

After visiting the two sites, considering the analysis of the sites and contexts provided by the proponent, and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified highest priority by letter and number from the guidelines found in the City of Seattle’s “Design Review: Guidelines for Multi-family and Commercial Buildings”.

### Priorities

A Site Planning
A-1 <b><u>Responding to Site Characteristics.</u></b> The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

**A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.**

The information provided did not elucidate the location of entrances. By the Recommendation meeting, the locations of the multiple entrances will need to be clearly delineated on the plans and elevations.

**A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.**

The Board urged DPD and the applicant to work with SDOT to augment the crosswalk to ensure improved pedestrian safety.

**A-5 Respect for Adjacent Sites. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.**

**A-6 Transition Between Residence and Street. For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.**

Give careful design attention to the relationship of the buildings and the streetscapes. On Eastlake this has historically been a challenge.

**A-7 Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.**

Provide quality designs for the courtyards as this will be an important consideration at the Recommendation meeting. Their designs should exceed mere formal characteristics and strive to create outdoor living rooms for the residents.

**A-8 Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.**

Affirming this guideline, the Board endorsed the one point of vehicular access on Yale Pl. To achieve this entails the approval of the subterranean vacation of E. Howe St.

**A-10 Corner Lots. Building on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.**

<b>B. Height, Bulk and Scale</b>
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**B-1 Height, Bulk, and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between anticipated development potential of the adjacent zones.**

A notable achievement of the three schemes is how intelligently they mediate between the current and future large buildings south (and west) of the site and the smaller structures north on the Eastlake corridor.

**C. Architectural Elements and Materials**

- C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.**

By exposing the stairs and walkways to the upper units, the architect suggests that the design will relate to the mid-century modern structures of the Cortina, Villa Capri and Willis apartment buildings.

- C-2 Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.**

The Board found the three schemes compelling and site appropriate. Discussion primarily focused on the “E” and “L” options. Only the communication of privacy by the portals in the “E” scheme raised questions. The gates at the portals to the courtyards should not read as barriers between the rights of and the courtyards. If the applicant pursues the “E” schemes with its portals, provide drawings that depict views of the portals from both the street and from within the courtyards.

- C-3 Human Scale. The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.**

- C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.**

By MUP application, the architect will have introduced colors and materials. Bring a materials board to the Recommendation meeting.

- C-5 Structured Parking Entrances. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.**

The Board preferred the one entry on Yale Place in order to avoid placing a curb cut on Eastlake Ave.

**D. Pedestrian Environment**

- D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building’s entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.**

At the EDG meeting, the relationship of open spaces and entries was not entirely clear. The courtyards provide an opportunity to create small, social spaces for the residents.

- D-6 Screening of Dumpsters, Utilities, and Service Areas.** Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

The Board expects the delineation of back of house areas and an explanation of where solid waste will be stored on pick-up days.

- D-7 Personal Safety and Security.** Project design should consider opportunities for enhancing personal safety and security in the environment under review.

- D-9 Commercial Signage.** Signs should add interest to the street front environment and should be appropriate for the scale and character desired in the area.

By the Recommendation meeting, develop a concept signage plan for the live/work units and the commercial space.

- D-12 Residential Entries and Transitions.** For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and a visually interesting street front for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops and other elements that work to create a transition between the public sidewalk and private entry.

<b>E. Landscaping</b>
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- E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites.** Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

The Board endorsed the intention to produce a Howe St. public amenity. Attributes of this public amenity should include openness to the community and robust landscaping. Due to its location sandwiched between the two development sites, the Howe St. park should not read as another courtyard for the project or in any way as a private garden between the two mostly residential structures. The design ought to have large trees and a stormwater detention system.

- E-2 Landscaping to Enhance the Building and/or Site.** Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.

In each of the three options, the courtyards have a presence on Eastlake Ave. The extent of porosity or openness of the courtyards is an important consideration. Design the network of courtyards to create special settings for the residents.

- E-3 Landscape Design to Address Special Site Conditions.** The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

## **DEVELOPMENT STANDARD DEPARTURES**

The Board's recommendation on the requested departure(s) will be based upon the departure's potential to help the project better meet these design guideline priorities and achieve a better overall design than could be achieved without the departure(s). The Board's recommendation will be reserved until the final Board meeting.

At the time of the Early Design Guidance meeting, the applicant had not outlined any departure requests.

## **MASTER USE PERMIT APPLICATION**

The applicant revised the design and applied for a Master Use Permit with Design Review and SEPA components on January 3<sup>rd</sup> and January 8<sup>th</sup> 2014 for projects 3014468 and 3015480 respectively.

## **DESIGN REVIEW BOARD RECOMMENDATION**

The Design Review Board conducted a Final Recommendation Meeting on June 11<sup>th</sup>, 2014 to review the applicant's formal project proposal developed in response to the previously identified priorities. At the public meetings, site plans, elevations, floor plans, landscaping plans, and computer renderings of the proposed exterior materials were presented for the Board members' consideration.

### **Public Comments**

Two members of the public attended the Recommendation meeting. One speaker praised the project and stated that it will serve as a focal point for the neighborhood. It should successfully link Capitol Hill with Lake Union.

### **Priorities**

<b>A</b>	<b>Site Planning</b>
A-1	<b><u>Responding to Site Characteristics.</u> The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.</b>
A-3	<b><u>Entrances Visible from the Street.</u> Entries should be clearly identifiable and visible from the street.</b>  At the earlier meeting, the Board noted the difficulty of determining entrances on the plans and elevations. By the Recommendation meeting, this issue did not elicit Board comments. The project received praise for how the building entrances step to meet sidewalk grade.



- A-4    Human Activity. New development should be sited and designed to encourage human activity on the street.**

Following up on the desire to augment the crosswalk to ensure improved pedestrian safety, the applicant provided drawings with a curb bulb at the Howe St. intersection.

- A-5    Respect for Adjacent Sites. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.**

- A-6    Transition Between Residence and Street. For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.**

- A-7    Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.**

Earlier discussion focused on the landscape quality of the multiple courtyards. The Board did not offer comment on the landscape design.

- A-8    Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.**

The Board reiterated its endorsement of the subterranean street vacation to ensure the presence of only a single curb cut for the development.

- A-10    Corner Lots. Building on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.**

<b>B.    Height, Bulk and Scale</b>
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- B-1    Height, Bulk, and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between anticipated development potential of the adjacent zones.**

<b>C.    Architectural Elements and Materials</b>
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- C-1    Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.**

- C-2    Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.**

Prior deliberation concentrated on the issue of transparency at the series of portals or openings along Eastlake looking into the courtyards. The architect's renderings provided at the Recommendation meeting illustrated views from the street or sidewalk into the courtyards. The drawings appeared satisfactory to the Board members.

- C-3 Human Scale.** The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.
- C-4 Exterior Finish Materials.** Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

Most of the deliberation addressed the nature of materials selected by the architect for the perforated metal screens, the white fiber cement panels and the wood trim at the Eastlake building corner. The Board preferred the black sliding screens to the silver color as being more aesthetically pleasing. Debate ensued on the potential starkness of the white panels. No resolution or condition occurred. However, the consensus of the Board felt the stark white panels emphasize the rhythm of the façades. Finally, the Board endorsed the architect's idea of using Shou-sugi-ban (charred wood siding) technique for the wood trim. It ensures the longevity of the material and successfully juxtaposes a rustic quality to the modernity of the design. The Board requested that the color of the wood have some contrast with the black brick.

- C-5 Structured Parking Entrances.** The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

<b>D. Pedestrian Environment</b>
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- D-1 Pedestrian Open Spaces and Entrances.** Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.
- D-6 Screening of Dumpsters, Utilities, and Service Areas.** Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.
- D-7 Personal Safety and Security.** Project design should consider opportunities for enhancing personal safety and security in the environment under review.
- D-9 Commercial Signage.** Signs should add interest to the street front environment and should be appropriate for the scale and character desired in the area.
- D-12 Residential Entries and Transitions.** For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and a visually interesting street front for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops and other elements that work to create a transition between the public sidewalk and private entry.

**E. Landscaping**

**E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites. Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.**

The Board emphatically endorsed the proposed landscape improvements to the Howe St. right of way citing the reduction in curb cuts along with the project's more efficient garage layout, the opening of a vista to Lake Union, and the potential cultural and commercial enhancement of this portion of Eastlake. The Board members encouraged the Department of Natural Resources to complete the rolling lawn adjacent to the complex.

**E-2 Landscaping to Enhance the Building and/or Site. Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.**

The porosity of the sliding screens at the street front represented the architect's response to earlier consternation about the openness of the courtyards to pedestrians on Eastlake Ave.

**E-3 Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.**

**Board Recommendations:** The recommendations summarized below were based on the plans submitted at the June 11th, 2014 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings available at the July 11th public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the five Design Review Board members present unanimously recommended approval of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed below).

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	RECOMMENDATION
1. Commercial Space Minimum Depth. SMC 23.47A.008B.3	Nonresidential uses shall extend an average depth of at least 30' and a minimum of 15' from the street-level, street-facing façade.	Allow zero minimum depth at live-work unit at the northwest corner of the Eastlake Bldg.	<ul style="list-style-type: none"> <li>The building conforms to the irregular shape of the site. The triangular shape provides character and interest. Guideline C-2</li> </ul>	Approval
2. Commercial Floor to Floor Height SMC 23.47A.008B.3.b	Non-residential uses at street level shall have a floor-to-floor height of at least 13 feet.	Allow 12' floor-to-floor height at live-work unit 154 and commercial space 153 in the Eastlake Bldg.	<ul style="list-style-type: none"> <li>The structure at the street front steps with the grade. In order to create at-grade entrances, the floor to floor needs to be reduced by 1' in height. A-1</li> </ul>	Approved

3. Commercial Space Minimum Depth. SMC 23.47A.008B.3	Nonresidential uses shall extend an average depth of at least 30' and a minimum of 15' from the street-level, street-facing façade.	Allow 10'2" minimum depth at the commercial space on Yale Place E.	<ul style="list-style-type: none"> <li>▪ The building conforms to the irregular shape of the site. The triangular shape provides character and interest. Guideline A-1, C-2, A-10.</li> </ul>	Approved
4. Commercial Space Minimum Depth. SMC 23.47A.008B.3	Nonresidential uses shall extend an average depth of at least 30' and a minimum of 15' from the street-level, street-facing façade.	Allow 27.92' average depth for live-work and commercial space on Yale Place E.	<ul style="list-style-type: none"> <li>▪ Permitting the departure supports active uses and eyes on the street on both sides of the building. A-4</li> </ul>	Approved
5. Structural Building Overhang SMC 23.53.035	Maximum length of each balcony shall be 15' and shall be reduced in proportion to the distance from such line by means of 45 degree angles.	Allow 14' length at outside edge of structural building overhang along E. How St. right of way.	<ul style="list-style-type: none"> <li>▪ The proposed design balcony matches the aesthetics of the overall building. C-2</li> </ul>	Approved

The Board did not recommend **CONDITIONS** for the project.

### **DIRECTOR'S ANALYSIS - DESIGN REVIEW**

The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the City-wide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. The Director agrees with the conditions recommended by the four Board members and the recommendation to approve the design with departures, as stated above.

### **DECISION - DESIGN REVIEW**

The proposed design is **CONDITIONALLY GRANTED**.

### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated January 2, 2014. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations and/or circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of construction-related noise, air quality, earth, grading, construction impacts, traffic and parking impacts as well as its mitigation.

#### Noise

Noise associated with construction of the mixed use buildings could affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Although there is adjacency to residential uses, the Noise Ordinance is found to be adequate to mitigate the potential noise impacts.

#### Air Quality

Construction for this project is expected to add temporarily particulates to the air that will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). To mitigate impacts of exhaust fumes on the directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of the nearby residential buildings.

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition.

#### Earth

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the SGDCC (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geo-technical engineer prior to issuance of the construction permit.

The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Grading

Excavation to construct the mixed use structure will be necessary with an estimated 13,490 cubic yards of material to be removed. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. Future phases of construction will be subject to the same regulations. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

### Construction Impacts

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

### Traffic and Parking

Duration of construction of the two mixed use structures may last approximately 16 months. During construction, parking demand will increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities and parking (SMC 25.05.675 B and M). Parking utilization along streets in the vicinity is near capacity and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. Due to the large scale of the project, this temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. In order to minimize adverse impacts, the applicant will need to provide a construction worker parking plan to reduce on-street parking until the new garage is constructed and safe to use. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

The construction of the project also will have adverse impacts on both vehicular and pedestrian traffic in the vicinity of the project site. During construction a temporary increase in traffic volumes to the site will occur, due to travel to the site by construction workers and the transport of construction materials. Approximately 13,490 cubic yards of soil are expected to be excavated from the project site. The soil removed for the garage structure will not be reused on the site and will need to be disposed off-site. Excavation and fill activity will require approximately 135 round trips with 10-yard hauling trucks or 68 round trips with 20-yard hauling trucks. Considering the large volumes of truck trips anticipated during construction, it is reasonable that truck traffic avoid the afternoon peak hours. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.

Truck access to and from the site shall be documented in a construction traffic management plan, to be submitted to DPD and SDOT prior to the beginning of construction. This plan also shall indicate how pedestrian connections around the site will be maintained during the construction period, with particular consideration given to maintaining pedestrian access along Eastlake Ave E. and Yale Place E.

Compliance with Seattle's Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal.

### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area; increased demand for parking; demolition of older structures, and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, due to the size and location of this proposal, green house gas emissions, traffic, parking impacts, public view protection, historic preservation, shadows on public spaces, and glare impacts warrant further analysis.

### Historic Preservation

The structure housing the former restaurant was reviewed by the Department of Neighborhoods and determined that it is unlikely, due in part to a loss of integrity, that the existing building would meet the standards for designation as a landmark.

The entire site, however, lies within an archaeological buffer zone, determined by the US Government Meander Line. Although no archaeologically significant cultural resources are known to be present at the project site, there is potential for cultural resources to be located there. Construction activities could increase visibility and potential for exposure of previously unknown cultural resources during clearing and grading.

Prior to Issuance of the Master Use Permit, the owner and/or responsible parties shall provide DPD with a statement that the contract documents of their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 26.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with these regulations.

A Construction Monitoring and Discovery Plan will be required prior to the issuance of permits for subgrade excavation or construction. Appropriate measures in Director's Rule 2-98 will need to be incorporated into the plan.

1. *If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible party shall stop work immediately and notify DPD (land use supervisor Bruce Rips at 206-615-1392) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). Responsible parties shall abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.*
2. *Once DPD and the State Office have been notified:*
  - *The owner and/or responsible party shall hold a meeting on site with DPD and a professional archaeologist. Representatives of Federally recognized Tribes and the Native American community that may consider the site to be of historical or cultural significance shall be invited to attend. After this consultation, the archaeologist shall determine the scope of, and prepare, a mitigation plan. The plan shall be submitted for approval to the State Office of Archaeology and Historic Preservation (OAHP), and to DPD to ensure that it provides reasonable mitigation for the anticipated impacts to the resources discovered on the construction site.*
  - *The plan shall, at a minimum, address methods of site investigation, provide for recovery, documentation and disposition of possible resources, and provide excavation monitoring by a professional archaeologist. The plan should also provide for conformance with State and Federal regulations for excavation of archaeologically significant resources.*
  - *Work only shall resume on the affected areas of the site once an approved permit for Archeological Excavation and Removal is obtained from the OAHP. Work may then proceed in compliance with the approved plan.*

#### Public View Protection

SEPA public view protection policy is stated in SMC 25.05.675P. In order to protect views of Seattle's natural and built surroundings, the City has developed particular sites and corridors for public enjoyment of views. The potential obstruction of public views may occur, specifically in this case, when a proposed structure is located in "close proximity to the street property line, when development occurs on lots situated at the foot of a street that terminates or changes direction because of a shift in the street grid patterns, or when a development along a street creates a continuous wall separating the street from the view." The Code enumerates views to specific natural and human made features worth preserving. The site's frontage on Eastlake Ave E. sits along a designated scenic corridor. The view to downtown is transitory occurring in one location to the north of the corner of Eastlake Ave E. and Yale Place above the trees. The proposed buildings occlude the brief view to the southwest. The approved MUP for an adjacent research lab occupying the same block as the proposed building south of E. Howe St. would block the view to downtown. While these impacts are adverse, they are not expected to be significant.



### Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming.

### Transportation

The proposed mixed-use structures would produce approximately 125 fewer daily vehicular trips than the former restaurant along with an increase of eight week day, AM peak hour trips. The study intersection and the proposed driveway according to the traffic consultant, Transportation Engineering Northwest, would result in negligible level of service impacts. The improvements to the rights-of-way will reduce the number of existing curb cuts on Eastlake Ave E., E. Howe St. and Yale Place E. as well as add sidewalks and landscaping to produce a better pedestrian environment.

No SEPA mitigation of traffic impacts to the nearby intersections is warranted.

### Parking

The two projects are proposing to supply 64 parking spaces. The shared below-grade parking garage would be accessed from Yale Place E. In addition to the off-street parking supply, the project would create approximately nine on-street parking spaces as part of the frontage improvements and the elimination of existing curb cuts. City code does not require the project to build any off-street parking based on its location and proximity to transit. Peak demand is approximately 76 parking spaces in the evening (although the demand generated by the specialty retail cited by the transportation consultant may be overstated). On-street parking in the neighborhood would accommodate any spillover from the project. No parking impact is anticipated pursuant to SMC 25.05.675 M.

### Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are anticipated to be non-significant. The conditions imposed below are intended to mitigate construction impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2C.
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

## **CONDITIONS – DESIGN REVIEW**

### **Prior to Building Application**

1. Include the departure matrix in the zoning summary section on all subsequent building permit plans. Add call-out notes on appropriate plan and elevation drawings in the updated MUP plans and on all subsequent building permit plans.

### **Prior to Commencement of Construction**

2. Arrange a pre-construction meeting with the building contractor, building inspector, and land use planner to discuss expectations and details of the Design Review component of the project.

### **Prior to Issuance of a Certificate of Occupancy**

3. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Bruce P. Rips, 206.615-1392). An appointment with the assigned Land Use Planner must be made at least one week in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

### **For the Life of the Project**

4. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Bruce Rips, 206.615-1392). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.

## **CONDITIONS – SEPA**

### **Prior to Issuance of a Demolition, Grading, or Building Permit**

5. Submit a construction traffic management plan to be reviewed and approved by SDOT and DPD. The plan shall, at a minimum, identify truck access to and from the site, pedestrian accommodations, the reduction of construction worker parking and sidewalk closures. Large trucks (greater than two-axle) shall be prohibited from entering or exiting the site between 3:30 P.M. to 7:00 P.M.
6. An archaeological Construction Monitoring and Discovery Plan will be required prior to issuance of any permits for sub-grade excavation or construction on the project site.

### **During Construction**

7. All construction activities are subject to the limitations of the Noise Ordinance, however, construction activities that involve “special construction vehicles” as defined in SMC

25.08.340 shall be more restricted: such activities shall only be allowed weekdays from 7am to 6pm, excluding “legal holidays” (SMC 25.08.155). Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

8. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Bruce Rips, (206-615-1392) at the specified development stage, as required by the Director’s decision. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved.

Signature: (signature on file) Date: January 26, 2015  
Bruce P. Rips, Assoc. AIA, AICP  
Land Use Planning Supervisor  
Department of Planning and Development

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#### **IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT**

##### Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at [prc@seattle.gov](mailto:prc@seattle.gov) or to our message line at 206-684-8467.